

ISM Subcommittee Proposal for Changes to Charter Section 255

City Attorney Revised Language: 8/6/07*

Option 1: Extended Trial Period

Section 255: Term of Strong Mayor Form of Governance; Future Action by Voters

This Article shall remain in effect until December 31, 2014, at which time it shall become permanent unless voters have approved a ballot measure to repeal the Article or lengthen the trial period.

Option 2: Extended Trial Period & Automatic Placement on Ballot

Section 255: Operative Date; Sunset of Article; Future Action by Voters

This Article shall remain in effect until December 31, 2014. The Council and the people reserve the right to propose amendments to the Charter to extend, make permanent, shorten or repeal the effective period of this Article and will place the question of whether the strong mayor form of governance shall be permanent on the primary election ballot in 2014.

Option 3: Eliminating the Sunset Clause

Section 255: Operative Date; Sunset of Article

As of January 1, 2012, this Article will be repealed. The Council and the people reserve the right to propose amendments to the Charter to extend, make permanent, shorten or repeal the effective period of this Article and will place the question of whether the strong mayor form of governance shall be permanent on the primary election ballot in 2010.

* The City Attorney's Office was tasked with reviewing the language of the proposed ballot measure to improve the wording and note any related legal problems. This work should not be construed as an endorsement of this ballot measure or its legality, or as an endorsement of any of the ballot measures potentially submitted by a Charter Review subcommittee or by the full Charter Review Committee.

ISM Subcommittee Proposal for Changes to Charter Section 270

City Attorney Comment: 8/6/07*

Option 1 – Nine (9) Districts

Section 270: The Council

(a) The Council shall be composed of nine Council members elected by district, and shall be the legislative body of the City.

(j) The City shall be redistricted, as soon as practicable, to establish the additional district required by this section. Such redistricting process shall follow the terms prescribed by Section 5.1.

Comments:

We did not modify the language set forth above, which was drafted for the subcommittee by staff. However, we believe more consideration should be given to the “as soon as practicable” language and whether it is sufficient.

The subcommittee needs to review this proposal in the context of the language of Charter section 255. Section 255 states that the Council and the people reserve the right “to consider increasing the number of Council districts to nine at the time of the next City Council district reapportionment which follows the national decennial census in 2010.”

Additionally, we do not believe that Section 5, Redistricting, should be changed to set forth a one-time-only scheduling of the redistricting after the 2010 census.

Please note that a number of Charter sections will require amendment to comply with a language change from “eight” to “nine” so the Charter is consistent throughout. These sections include: 4, 5.1, 10 and 12. If the measure is passed on to the full committee, we will continue analyzing the Charter to ensure we have identified all other sections that would require a corresponding revision.

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ISM Subcommittee Proposal for Changes to Charter Section 285

City Attorney Revised Language: 8/6/07*

(Option 1: 9-Member Council)

Section 285: Enactment Over Veto

The Council shall reconsider any resolution or ordinance vetoed by the Mayor. If, after such reconsideration, at least **two-thirds of the Council** vote in favor of passage, that resolution or ordinance shall become effective notwithstanding the Mayor's veto. If more than five votes are required for the passage of any resolution or ordinance by the provisions of this Charter or other superseding law, **then the number of Council votes necessary to override the Mayor's veto shall be one vote more than was necessary to pass the resolution or ordinance.** If a vetoed resolution or ordinance does not receive sufficient votes to override the Mayor's veto within thirty calendar days of such veto, that resolution or ordinance shall be deemed disapproved and have no legal effect.

Note that if the Committee pursues this Charter change, Section 290 will need a corresponding change:

Section 290: Council Consideration of Salary Ordinance and Budget; Special Veto Power

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- (2) If modified by the Council, the budget shall be returned to the Mayor as soon as practicable.
- (A) The Mayor shall, within five business days of receipt either approve, veto, or modify any line item approved by the Council.
- (B) The Council shall thereafter have five business days within which to override any vetoes or modifications made by the Mayor pursuant to section 290(b)(2)(A). Any item in the proposed budget that was vetoed or otherwise modified by the Mayor **shall remain as vetoed or modified unless overridden by the vote of at least five members of the Council.** In voting to override the actions of the Mayor, the Council may adopt either an amount it had previously approved or an amount in between the amount originally approved by the Council and the amount approved by the Mayor, subject to the balanced budget requirements set forth in section 71.

This section could be modified to say "overridden as set forth in Charter section 285" or modified to say "overridden with a two-thirds vote as set forth in Charter section 285."

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